

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY T. DAN,)	
)	8:06cv714
Plaintiff,)	
vs.)	ORDER
)	
DOUGLAS COUNTY DEPARTMENT)	
OF CORRECTIONS,)	
)	
Defendants.)	

This matter is before the court on filing no. 2, the Motion for Leave to Proceed In Forma Pauperis ("IFP") filed by the plaintiff, Anthony T. Dan, who filed this action while he was a prisoner. The plaintiff qualified to proceed IFP, but he has since been released from custody. Therefore, filing no. 2 is provisionally granted, subject to a new motion for leave to proceed IFP based on the changed circumstances caused by release from prison. If IFP status is renewed, the plaintiff will be relieved of any liability for the balance of the filing fee. See, e.g., McGann v. Comm'r, Social Security Admin., 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.").

IT IS THEREFORE ORDERED:

1. That filing no. 2 is provisionally granted, subject to the plaintiff's obligation to file a new Motion to Proceed IFP within twenty (20) days of the date of this Order;
2. That the Clerk of the Court shall send the plaintiff the form for requesting leave to proceed IFP; the plaintiff shall complete the form and return it to the court within twenty (20) days; and
3. That the plaintiff shall keep the court informed of his current address at all times while this case is pending; as failure to do so could result in dismissal

DATED this 13th day of February, 2007.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge